

Executive Summary – Enforcement Matter – Case No. 43738
City of Rising Star
RN103138137
Docket No. 2012-0553-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Rising Star WWTP, located approximately 500 feet north of State Highway 36, one mile east of the intersection of State Highway 36 and U.S. Highway 183 - East Pioneer Street, Eastland County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 1, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,725

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$23,725

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43738

City of Rising Star

RN103138137

Docket No. 2012-0553-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 11, 2012

Date(s) of NOE(s): February 10, 2012

Violation Information

1. Failed to conduct the required quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses. Specifically, the Respondent was not conducting manganese oxide correction, duplicate analyses for chlorine residual analysis, and duplicate and standard analyses for dissolved oxygen analysis. Also, the pH buffers were expired [30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, and 319.9(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2].
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011, by September 1, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014515001 Sludge Provisions].
3. Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, there was sludge and a film in the chlorine contact chamber. The alarm, fan, and leak detectors were inoperable in the chlorine building. Also, process control activities were not being conducted, including measuring dissolved oxygen levels throughout the aeration basin, adjusting sludge return rates to maintain the proper solids level in the clarifier, and conducting tests to maintain an appropriate quantity and quality of solids inventory [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0014515001, Operational Requirements No. 1].
4. Failed to comply with permitted effluent limits. Specifically, the total suspended solids daily average concentration limit of 20 milligrams per liter ("mg/L") was exceeded for the monitoring periods ending March 31, 2011 (20.73 mg/L) and May 31, 2011 (21.05 mg/L). Also, the chlorine residual maximum limit of 4.0 mg/L was exceeded for the monitoring period ending April 30, 2011 (7.17 mg/L) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014515001, Effluent Limitations and Monitoring Requirements No. 1 and 2].
5. Failed to employ or contract a wastewater treatment facility operator holding a Class D license or higher. Specifically, the operator's license expired on June 13, 2011 [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014515001 Other Requirements No. 1].

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Docket No. 2012-0553-MWD-E

6. Failed to conduct, at a minimum, annual calibration of the effluent flow meter [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On June 30, 2011, returned to compliance with permitted effluent limits;
- b. By January 18, 2012, contracted with a Class C licensed wastewater treatment facility operator; and
- c. On February 8, 2012, submitted the annual sludge report for the monitoring period ending July 31, 2011.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin conducting, at a minimum, annual calibration of the effluent flow meter;
 - ii. Begin conducting process control tests and sampling at the frequencies described in Table 4 of the TCEQ Regulatory Guidance (RG-002), “Process Control Tests for Domestic Wastewater Treatment Facilities”; and
 - iii. Update the operational guidance manual and conduct employee training to ensure that all quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses are conducted.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 60 days:
 - i. Develop and implement a solids management plan (“SMP”). The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The SMP shall be prepared by a Texas registered professional engineer or a Class “A” TCEQ Certified Wastewater Treatment Facility Operator;

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- ii. Remove and properly dispose of sludge in the chlorine contact chamber; and
- iii. Repair or replace the alarm, fan, and leak detectors in the chlorine room.
- d. Within 75 days, submit written certification of compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jacquelyn Green, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-2587; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Ben Yarbrough, Mayor, City of Rising Star, P.O. Box 35,
Rising Star, Texas 76471
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	13-Feb-2012	Screening	27-Feb-2012	EPA Due	
	PCW	27-Feb-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rising Star
Reg. Ent. Ref. No.	RN103138137
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	43738	Order Type	1660
Docket No.	2012-0553-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jacquelyn Green
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	90.0% Enhancement	Subtotals 2, 3, & 7	\$2,250
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Notes: Enhancement for 11 months of self-reported effluent violations, three NOV's with same/similar violations, and one order with denial of liability language.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$792
Approx. Cost of Compliance: \$10,611
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,250
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DEFERRAL	20.0% Reduction	Adjustment	-\$850
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,400
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Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 2 (September 2002)

Case ID No. 43738

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 11 months of self-reported effluent violations, three NOVs with same/similar violations, and one order with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 90%

Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 2 (September 2002)

Case ID No. 43738

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit ("TPDES") Permit No. WQ0014515001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on January 11, 2012. Specifically, the total suspended solids daily average concentration limit of 20 milligrams per liter ("mg/L") was exceeded for the monitoring periods ending March 31, 2011 (20.73 mg/L) and May 31, 2011 (21.05 mg/L). Also, the chlorine residual maximum limit of 4.0 mg/L was exceeded for the monitoring period ending April 30, 2011 (7.17 mg/L).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

92 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent returned to compliance by June 30, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$125

Violation Final Penalty Total \$1,650

This violation Final Assessed Penalty (adjusted for limits) \$1,650

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2011	30-Jun-2011	0.25	\$125	n/a	\$125

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$125

Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 2 (September 2002)

Case ID No. 43738

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES No. WQ0014515001
Other Requirements No. 1

Violation Description

Failed to employ or contract a wastewater treatment facility operator holding a Class D license or higher, as documented during an investigation conducted on January 11, 2012. Specifically, the operator's license expired on June 13, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

7 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One monthly event is recommended from the date of the investigation (January 11, 2012) to the date of compliance (January 18, 2012).

Good Faith Efforts to Comply

25.0%

Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance by January 18, 2012.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$1,650

This violation Final Assessed Penalty (adjusted for limits) \$1,650

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$111	13-Jun-2011	18-Jan-2012	1.52	\$8	\$111	\$119
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided costs for licensing test fee that are paid by the Respondent. Date required is the date the operator's license expired. Final date is the date of compliance.

Approx. Cost of Compliance

\$111

TOTAL

\$119

Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 2 (September 2002)

Case ID No. 43738

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5

Violation Description

Failed to conduct, at a minimum, annual calibration of the effluent flow meter, as documented during an investigation conducted on January 11, 2012.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

47 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$548

Violation Final Penalty Total \$950

This violation Final Assessed Penalty (adjusted for limits) \$950

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	12-Jan-2011	12-Jan-2012	1.92	\$48	\$500	\$548
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to calibrate the meter. Date required is one year prior to the investigation date.
Final date is the investigation date.

Approx. Cost of Compliance \$500

TOTAL \$548



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	13-Feb-2012	Screening	27-Feb-2012	EPA Due	
	PCW	27-Feb-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rising Star
Reg. Ent. Ref. No.	RN103138137
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	4
Enf./Case ID No.	43738	Order Type	1660
Docket No.	2012-0553-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Jacquelyn Green
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	
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Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	90.0% Enhancement	Subtotals 2, 3, & 7	\$9,225
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Notes: Enhancement for 11 months of self-reported effluent violations, three NOV's with same/similar violations, and one order with denial of liability language.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$253
Approx. Cost of Compliance: \$6,300
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,475
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$19,475
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,475
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,895
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,580
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Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 3 (September 2011)

Case ID No. 43738

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 11 months of self-reported effluent violations, three NOVs with same/similar violations, and one order with denial of liability language.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 27-Feb-2012
Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media [Statute] Water Quality
Enf. Coordinator Jacquelyn Green

Docket No. 2012-0553-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 319.6, and 319.9(d), and Texas Pollutant Discharge Elimination System Permit ("TPDES") Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2

Violation Description

Failed to conduct the required quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses, as documented during an investigation conducted on January 11, 2012. Specifically, the Respondent was not conducting manganese oxide correction, duplicate analyses for chlorine residual analysis, and duplicate and standard analyses for dissolved oxygen analysis. Also, the pH buffers were expired.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

47 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (January 11, 2012) to the date of screening (February 27, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$2,375

This violation Final Assessed Penalty (adjusted for limits) \$2,375

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	11-Jan-2012	31-Oct-2012	0.81	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure all quality control and quality assurance procedures for dissolved oxygen and chlorine residual analyses are done. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$10

Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 3 (September 2011)

Case ID No. 43738

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014515001 Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011, by September 1, 2011, as documented during an investigation conducted on January 11, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

160 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$475

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2011	8-Feb-2012	0.44	\$1	n/a	\$1

Notes for DELAYED costs

Estimated costs to submit the annual sludge report. Date required is the date the report was due. Final date is the date the report was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 27-Feb-2012

Docket No. 2012-0553-MWD-E

PCW

Respondent City of Rising Star

Policy Revision 3 (September 2011)

Case ID No. 43738

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0014515001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain all facilities and systems of treatment and control, as documented during an investigation conducted on January 11, 2012. Specifically, there was sludge and a film in the chlorine contact chamber. Also, process control activities were not being conducted, including measuring dissolved oxygen levels throughout the aeration basin, adjusting sludge return rates to maintain the proper solids level in the clarifier, and conducting tests to maintain an appropriate quantity and quality of solids inventory.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

47 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (January 11, 2012) to the date of screening (February 27, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	x		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$141

Violation Final Penalty Total \$2,375

This violation Final Assessed Penalty (adjusted for limits) \$2,375

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,500	11-Jan-2012	31-Oct-2012	0.81	\$60	n/a	\$60
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	11-Jan-2012	31-Oct-2012	0.81	\$81	n/a	\$81

Notes for DELAYED costs

Estimated cost to remove and properly dispose of sludge from the chlorine contact chamber and to develop a solids management plan. Date required is the date of the investigation. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$141

Screening Date 27-Feb-2012
Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media [Statute] Water Quality
Enf. Coordinator Jacquelyn Green

Docket No. 2012-0553-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 305.125(5) and TPDES Permit No. WQ0014515001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain all facilities and systems of treatment and control, as documented during an investigation conducted on January 11, 2012. Specifically, the alarm, fan, and leak detectors were inoperable in the chlorine building.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

47 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the date of the investigation (January 11, 2012) to the date of screening (February 27, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent City of Rising Star
Case ID No. 43738
Reg. Ent. Reference No. RN103138137
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	11-Jan-2012	31-Oct-2012	0.81	\$101	n/a	\$101

Notes for DELAYED costs

Estimated cost to repair or replace the fan, alarm, and leak detector in the chlorine room. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$101

Compliance History Report

Customer/Respondent/Owner-Operator: CN600649727 City of Rising Star Classification: AVERAGE Rating: 3.97

Regulated Entity: RN103138137 CITY OF RISING STAR WWTP Classification: AVERAGE Site Rating: 5.91

ID Number(s): WASTEWATER EPA ID TX0075604
WASTEWATER PERMIT WQ0014515001
WASTEWATER EPA ID TX0075604

Location: LOCATED APPROXIMATELY 500 FEET NORTH OF
STATE HIGHWAY 36, ONE MILE EAST OF THE
INTERSECTION OF STATE HIGHWAY 36 AND US
HIGHWAY 183 - EAST PIONEER STREET EASTLAND
COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: February 27, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 27, 2007 to February 27, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jacquelyn Green Phone: (512) 239-2587

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 06/19/2008

ADMINORDER 2007-1728-WQ-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Rqmt Prov: WQ0014515001/Permit Condition 2g, page 7 PERMIT

Description: Failure to prevent the unauthorized discharge of sewage into or adjacent to any water in the state.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)

Rqmt Prov: WQ0014515001/Reporting Requirement 7b PERMIT

Description: Failure to notify the TCEQ Regional Office of the unauthorized discharge within 24 hours of becoming aware of the discharge.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 09/14/2007 | (571069) |
| 2 | 07/13/2007 | (593308) |
| 3 | 08/06/2007 | (623471) |
| 4 | 08/06/2007 | (623472) |

5	08/06/2007	(623473)
6	08/06/2007	(623474)
7	08/06/2007	(623475)
8	08/17/2007	(623476)
9	08/17/2007	(623477)
10	08/17/2007	(623478)
11	08/17/2007	(623479)
12	08/07/2007	(623480)
13	07/02/2008	(685138)
14	06/06/2008	(693107)
15	06/06/2008	(693108)
16	06/06/2008	(693109)
17	10/02/2008	(704443)
18	02/13/2009	(722482)
19	06/30/2009	(749672)
20	03/13/2009	(753528)
21	03/06/2009	(753529)
22	03/06/2009	(753530)
23	04/20/2009	(753531)
24	03/06/2009	(753532)
25	03/16/2009	(753533)
26	03/06/2009	(753534)
27	03/06/2009	(753535)
28	03/13/2009	(753536)
29	03/13/2009	(753537)
30	03/13/2009	(753538)
31	03/13/2009	(753539)
32	03/13/2009	(753540)
33	03/13/2009	(770996)
34	03/13/2009	(770997)
35	05/18/2009	(770998)
36	02/22/2010	(812842)
37	08/17/2009	(812843)
38	09/16/2009	(812844)
39	10/15/2009	(812845)
40	11/16/2009	(812846)
41	12/23/2009	(812847)
42	07/11/2011	(937153)
43	02/10/2012	(983467)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/13/2007	(593308)	CN600649727
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Date	10/19/2007 (598342)	CN600649727	
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(3)(B) 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(B) 30 TAC Chapter 30, SubChapter J 30.331(a)(1) 30 TAC Chapter 30, SubChapter K 30.381(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014515001/OTHER REQUIREMENTS 1 PERMIT		
Description:	Failure by the City to employ a water works operator holding a valid Class "C" or higher operator's license and a wastewater operator holding a valid Class "D" or higher operator's license.		
Date	11/30/2007 (753539)	CN600649727	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2007 (753540)	CN600649727	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2008 (753528)	CN600649727	
Self Report?	YES	Classification:	Moderate

Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/29/2008	(753529)	CN600649727
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2008	(753533)	CN600649727
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2009	(770996)	CN600649727
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/13/2009	(722482)	CN600649727
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Operational Requirements PERMIT		
Description:	Failure to provide adequate safeguards in the event of an electrical power failure.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.1		
	Monitoring and Reporting Requirements PERMIT		
Description:	Failure to submit discharge monitoring reports (DMRs).		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Sludge Provisions PERMIT		
Description:	Failure to submit the Annual Sludge Report for 2007-2008 by September 1, 2008.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
	Monitoring and Reporting Requirements PERMIT		
Description:	Failure to provide at least three years of effluent monitoring records.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)		
	Monitoring and Reporting Requirements PERMIT		
Description:	Failure to maintain accurate records.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Effluent Limitations Requirements PERMIT		
Description:	Failure to maintain proper effluent chlorine residual levels.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Monitoring and Reporting Requirements PERMIT		
Description:	Failure to properly maintain flow meter.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(a)		
	WQ0014515001 PERMIT		
Description:	Failure to provide a NIST traceable thermometer for the sample storage refrigerator.		
Date	03/31/2009	(753531)	CN600649727
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2009	(812847)	CN600649727
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		

Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2011	CN600649727	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2011	CN600649727	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2011	CN600649727	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF RISING STAR
RN103138137**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0553-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Rising Star ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 500 feet north of State Highway 36, one mile east of the intersection of State Highway 36 and United States Highway 183 - East Pioneer Street in Eastland County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 15, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Three Thousand Seven Hundred Twenty-Five Dollars (\$23,725) is justified by the facts recited in this Agreed Order, and

considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all of the administrative penalty. Therefore, Twenty-Three Thousand Seven Hundred Twenty-Five Dollars (\$23,725) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On June 30, 2011, returned to compliance with permitted effluent limits;
 - b. By January 18, 2012, contracted with a Class C licensed wastewater treatment facility operator; and
 - c. On February 8, 2012, submitted the annual sludge report for the monitoring period ending July 31, 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to conduct the required quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, and 319.9(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2,

an investigation conducted on January 11, 2012. Specifically, the Respondent was not conducting manganese oxide correction, duplicate analyses for chlorine residual analysis, and duplicate and standard analyses for dissolved oxygen analysis. Also, the pH buffers were expired.

2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011, by September 1, 2011, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014515001 Sludge Provisions, as documented during an investigation conducted on January 11, 2012.
3. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0014515001, Operational Requirements No. 1, as documented during an investigation conducted on January 11, 2012. Specifically, there was sludge and a film in the chlorine contact chamber. The alarm, fan, and leak detectors were inoperable in the chlorine building. Also, process control activities were not being conducted, including measuring dissolved oxygen levels throughout the aeration basin, adjusting sludge return rates to maintain the proper solids level in the clarifier, and conducting tests to maintain an appropriate quantity and quality of solids inventory.
4. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014515001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during an investigation conducted on January 11, 2012. Specifically, the total suspended solids daily average concentration limit of 20 milligrams per liter ("mg/L") was exceeded for the monitoring periods ending March 31, 2011 (20.73 mg/L) and May 31, 2011 (21.05 mg/L). Also, the chlorine residual maximum limit of 4.0 mg/L was exceeded for the monitoring period ending April 30, 2011 (7.17 mg/L).
5. Failed to employ or contract a wastewater treatment facility operator holding a Class D license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014515001 Other Requirements No. 1, as documented during an investigation conducted on January 11, 2012. Specifically, the operator's license expired on June 13, 2011.
6. Failed to conduct, at a minimum, annual calibration of the effluent flow meter, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on January 11, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rising Star, Docket No. 2012-0553-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin conducting, at a minimum, annual calibration of the effluent flow meter, in accordance with TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5;
 - ii. Begin conducting process control tests and sampling at the frequencies described in Table 4 of the TCEQ Regulatory Guidance (RG-002), "Process Control Tests for Domestic Wastewater Treatment Facilities"; and
 - iii. Update the operational guidance manual and conduct employee training to ensure that all quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses are conducted, in accordance with 30 TEX. ADMIN. CODE § 319.6 and 319.9(d) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.a.i through 2.a.iii. The certification shall be in accordance with Ordering Provision No. 2.e below.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Develop and implement a solids management plan ("SMP"). The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The

SMP shall be prepared by a Texas registered professional engineer or a Class "A" TCEQ Certified Wastewater Treatment Facility Operator;

- ii. Remove and properly dispose of sludge in the chlorine contact chamber; and
- iii. Repair or replace the alarm, fan, and leak detectors in the chlorine room.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.c.i through 2.c.iii. The certification shall be in accordance with Ordering Provision No. 2.e below.
- e. The written certification of compliance required by Ordering Provisions Nos. 2.b and 2.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a

violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ben D. Severick Jr.
For the Executive Director

12/17/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ben Harbrough
Signature

June 24, 2014
Date

Ben Harbrough
Name (Printed or typed)
Authorized Representative of
City of Rising Star

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.